

ENFORCEMENT DECREE OF THE PROMOTION OF THE MOTION PICTURES INDUSTRY ACT

Wholly	Amended by	Presidential Decree No.	16296, May 10, 1999
	Amended by	Presidential Decree No.	16794, Apr. 22, 2000
		Presidential Decree No.	17616, May 27, 2002
		Presidential Decree No.	17816, Dec. 26, 2002
		Presidential Decree No.	18740, Mar. 18, 2005
		Presidential Decree No.	19405, Mar. 23, 2006

Article 1 (Purpose)

The purpose of this Decree is to provide for matters delegated by the Promotion of the Motion Pictures Industry Act and other matters necessary to implement the delegated matters. *(Amended by Presidential Decree No. 19405, Mar. 23, 2006)*

Article 1–2 (Number of Running Days at Nonpermanent Theaters)

Nonpermanent theaters under the proviso to subparagraph 13 of Article 2 of the Promotion of the Motion Pictures Industry Act (hereinafter referred to as the “Act”) shall be places or facilities where the number of running days of movies is

no longer than 120 days a year and the continuous running period is no longer than 30 days. *(Amended by Presidential Decree No. 19405, Mar. 23, 2006)*

[This Article Newly Inserted by Presidential Decree No. 17616, May 27, 2002]

Article 2 (Procedures for Report by Movie Enterprisers, etc.)

(1) A person, who intends to report his movie business under the provisions of Article 4 (1) of the Act, shall draft a movie business report and file the report with the Minister of Culture and Tourism. *(Amended by Presidential Decree No. 19405, Mar. 23, 2006)*

(2) A person who has filed the report under paragraph (1) shall, when any alteration exists in the reported matters, report the alteration to the Minister of Culture and Tourism within 14 days from the day on which the alteration takes place.

(3) The Minister of Culture and Tourism shall, upon receiving the report under paragraph (1), issue a certificate of the report after grouping the reporter into a movie producer, a movie importer, a movie distributor or a theater operator according to the details of the matters reported under subparagraph 11 of Article 2 of the Act.

(4) The Minister of Culture and Tourism shall reissue the certificate of the report where the person, who has received the certificate of the report under paragraph (3), asks for reissuing the certificate of the report on the grounds that the certificate has been lost or worn out to the extent of uselessness.

Article 3 (Report on Production of Jointly Produced Movies)

A person, who intends to report on the production of jointly produced movies under Article 5 (1) of the Act, shall file a report on the joint production of movies, with attached documents which are prescribed by the Ordinance of the Ministry of Culture and Tourism and are in conformity with requirements falling under each of the following subparagraphs, to the Minister of Culture and Tourism:

1. The movies shall be jointly produced by domestic movie producers and their foreign counterparts;

2.Both domestic movie makers and their foreign counterparts shall jointly share costs for making the movies according to the cost-sharing ratio prescribed by the Ordinance of the Ministry of Culture and Or-dinance; and

3.Deleted. *(by Presidential Decree No. 17616, May 27, 2002)*

Article 4 (Procedures for Recommending Imports of Foreign Movies)

(1) A person, who intends to obtain a recommendation on imports of foreign movies under the provisions of Article 6 of the Act, shall submit an application for a recommendation on imports of foreign movies, with attached documents and a copy of movie print, to the Korea Media Rating Board (hereinafter referred to as the "Korea Media Rating Board") pursuant to the provisions of Article 5 of the Sound Records, Video Products and Game Software Act. *(Amended by Presidential Decree No. 17616, May 27, 2002; Presidential Decree No. 19405, Mar. 23, 2006)*

(2) The Korea Media Rating Board, upon receiving an application for a recommendation on imports of foreign movies under paragraph (1), shall deliberate whether or not the foreign movies concerned conform to the standards for recommending imports of foreign movies under Article 5 and issue a recommendation only when the foreign movies concerned are in conformity with the standards.

(3) The Korea Media Rating Board, when it issues a recommendation on imports of foreign movies under paragraph (2), shall file a report on the recommendation on imports of foreign movies with the Minister of Culture and Tourism within five days from the date the recom-menda- tion concerned is issued.

Article 5 (Standards for Recommending Imports of Foreign Movies)

No recommendation may be made on imports of foreign movies falling under each of the following subparagraphs:

- 1.Foreign movies deemed to contain any anti-Korea contents;
- 2.Foreign movies deemed to be feared to disrupt social order or harm good manners and tradition;

3.Foreign movies deemed to be feared to aggravate Korea' s normal diplomatic relations with other nations; and

4.Foreign movies deemed to be feared to be detrimental to the general sentiments of the people.

Article 5-2 (Establishment Registration)

(1) The Korean Film Commission (hereinafter referred to as the "Com-mission") established in accordance with Article 7-4 of the Act shall in- clude matters falling under each of the following subparagraphs in its establishment registration:

1.Objective;

2.Name;

3.Location of principal office;

4.Names, resident registration numbers and domiciles of members of the Commission;

5.Matters relating to assets; and

6.Methods of contributions and the amount of contributions made.

(2) The chairman of the Commission shall file an application for regis- tering the establishment of the Commission.

(3) The application for registering the establishment of the Commission referred to in paragraph (1) shall be accompanied by the articles of as-sociation and documents attesting qualifications of the members of the Commission.

[This Article Newly Inserted by Presidential Decree No. 16794, Apr. 22, 2000]

Article 5-3 (Alteration Registration)

The Commission shall, when any change in the matters of each subpar- agraph of Article 5-2 (1) occurs, file an application for registering the changed matters, accompanied by documents attesting such changed matters, within 3 weeks from the date of change.

[This Article Newly Inserted by Presidential Decree No. 16794, Apr. 22, 2000]

Article 5-4 (Relocation Registration)

(1) The Commission shall, when it relocates its principal office to other area under jurisdiction of other registry office, register the new location of its principal office and the date of such relocation at the previous location within two weeks from the date of relocation, and register the matters of each subparagraph of Article 5-2 (1) at the new location within three weeks from the date of relocation.

(2) The Commission shall, where it relocates its principal office in the area under jurisdiction of the same registry office, register the new location of its principal office and the date of such relocation within two weeks from the date of relocation.

[This Article Newly Inserted by Presidential Decree No. 16794, Apr. 22, 2000]

Article 6 (Method of Composing Commission, etc)

(1) The Minister of Culture and Tourism shall commission members of the Commission established in accordance with Article 8 of the Act from among experts in the movie field and other fields of culture and arts with the ratio of gender and age well balanced.

⟨Amended by Presidential Decree No. 16794, Apr. 22, 2000⟩

(2) The Minister of Culture and Tourism may ask organizations of various fields to recommend candidates to be commissioned as members of the Commission to establish the Commission under paragraph (1).

Article 7 (Disqualifications for Members)

The term “other persons as prescribed by the Presidential Decree” in subparagraph 4 of Article 12 of the Act means movie enterprisers who have made the report pursuant to Article 4 (1) of the Act.

Article 7-2 (Approval of Budget, etc.)

(1) The Commission shall obtain approval from the Minister of Culture and Tourism with respect to the gross amount of revenues and expenditures and the general

rules of budget by the end of the year preceding each fiscal year in accordance with Article 17-2 of the Act.

(2) The Commission shall, when it intends to change the budget approved under paragraph (1), furnish data stating reasons for such change and contents of such change to the Minister of Culture and Tourism for approval.

[This Article Newly Inserted by Presidential Decree No. 16794, Apr. 22, 2000]

Articles 8 and 9 Deleted. *⟨by Presidential Decree No. 16794, Apr. 22, 2000⟩*

Article 10 (Submission of Movie Films, etc.)

(1) A person intends to submit movie films, etc. under Article 25 (1) of the Act, shall submit a letter of submission for the movie films, etc., attached with the original film of the movie concerned or the copied one of the movie as well as the copy of the script (hereinafter referred to as the "movie films"), to the Korean Film Archive (hereinafter referred to as the "Archive") within 60 days from the day the movie concerned is rated. *⟨Amended by Presidential Decree No. 17616, May 27, 2002⟩*

(2) A person, who intends to claim compensation under Article 25 (2) of the Act, shall submit a written compensation claim for the movie film submitted within 90 days from the day he receives a certificate of submission to the Archive. *⟨Amended by Presidential Decree No. 17616, May 27, 2002⟩*

(3) The Archive, upon receiving a written compensation claim for the movie film submitted under paragraph (2), shall determine the amount of compensation within the limit of the cost of making the movie film and pay it. *⟨Amended by Presidential Decree No. 17616, May 27, 2002⟩*

Article 10-2 (Entrusted Preservation, etc. of Negative Film of Movie)

(1) Any person possessing the movie data such as the negative film of movie, etc. may, for an efficient preservation of such movie data, request the Archive to preserve them under entrustment or to render a technological guidance required for such preservation.

(2) The Archive shall, upon receipt of the request under paragraph (1), preserve the negative film of movie, etc. or render a technological guidance, by going through the examination on whether or not such measures are needed.

[This Article Newly Inserted by Presidential Decree No. 17616, May 27, 2002]

Article 11 (Registration, etc. of Movie Theaters)

(1) Any person who intends to make a registration or alteration registration of a movie theater under Article 26 (1) of the Act shall submit an application form for registration (alteration registration) of movie theater to the head of *Si/Gun/Gu* (referring to the head of autonomous *Gu*; hereinafter the same shall apply) having jurisdiction over the location of such a movie theater, together with the following documents: ~~Provided, That where intending to make an alteration registration, only the documents related to the alteration matters shall be attached:~~

1. Written particulars of the facility installations;
 2. Floor plans and plot plans of the facility;
 3. Panoramic view of the movie theater and photographs of principal parts thereof;
 4. Documents attesting to the ownership of or the right to use the immovables;
- and

5. Certificate of registration of a movie theater (limited to the case of alteration registration).

(2) The head of *Si/Gun/Gu* shall, upon receipt of an application form under paragraph (1), confirm whether or not the facility criteria have been satisfied within 15 days from the date of receiving the application, and if the facility criteria have been met, promptly issue a certificate of registration of movie theater.

(3) The head of *Si/Gun/Gu* shall, when he issues the certificate under paragraph (2), enter such fact in the register of movie theaters.

(4) When any person who was issued a certificate of movie theater registration under paragraph (2) has lost such certificate or such certificate has been worn out and become unusable, he may request the head of *Si/Gun/Gu* to reissue the certificate.

[This Article Wholly Amended by Presidential Decree No. 17616, May 27, 2002]

Article 11-2 (Areas or Facilities Wherein Installation of Restricted Movie Theater is Limited)

Areas and facilities wherein the installation of restricted movie theater is limited under Article 26 (2) of the Act shall be as follows: *(Amended by Presidential Decree No. 17816, Dec. 26, 2002; Presidential Decree No. 18740, Mar. 18, 2005; Presidential Decree No. 19405, Mar. 23, 2006)*

1. School environmental sanitation and clear-up zone under Article 5 of the School Health Act;

2. Areas within 200 meters in a beeline from the boundary of juvenile training facilities under subparagraph 1 of Article 10 of the Juvenile Activity Promotion Act;

3. Areas within 200 meters in a beeline from the boundary of juvenile training districts under Article 47 of the Juvenile Activity Promotion Act;

4. Deleted; *(by Presidential Decree No. 18740, Mar. 18, 2005)*

5. Residential areas under subparagraph 1 (a) of Article 36 (1) of the National Land Planning and Utilization Act; and

6. ~~Facilities or places wherein the movie theater (excluding the restricted movie theater) is installed.~~

[This Article Newly Inserted by Presidential Decree No. 17616, May 27, 2002]

Article 11-3 (Report on Safety–Precaution Plan)

(1) The safety–precaution plan which is to be reported by the operator of movie theater to the head of competent fire–fighting station under Article 26–2 (1) of the Act, shall contain the matters falling under each of the following subparagraphs:

1. Matters related to the duties of the manager of installations, etc. of movie theater and to managerial systems; and

2. Matters related to the measures to be taken at emergency, such as a ~~broadcast for~~ guiding evacuation and a ~~disposition of staff to guide~~ evacuation, and to the liaison offices to get in touch.

(2) The operator of movie theater shall submit the safety–precaution plan under paragraph (1), prior to commencing the screening of movies.

[This Article Newly Inserted by Presidential Decree No. 17616, May 27, 2002]

Article 12 (Assistance to Exclusive Theaters)

(1) The Minister of Culture and Tourism may provide assistance falling under each of the following subparagraphs to operators of exclusive theaters pursuant to Article 27 (1) of the Act:

1. Assistance from donations to the Culture and Art Promotion Fund;

2. Relaxation of the mandatory screening of Korean movies (excluding theaters that exclusively show Korean movies); and

3. Other matters deemed necessary by the Minister of Culture and Tourism.

(2) A person, who seeks to get the assistance under paragraph (1), shall submit a written application for the assistance to his exclusive theater, attached with documents prescribed by the Ordinance of the Ministry of Culture and Tourism, to the Minister of Culture and Tourism.

(3) The Minister of Culture and Tourism, upon receiving the written application for the assistance to the exclusive theater under paragraph (2), shall decide whether or not to provide the assistance within two months from the date the written application is filed and notify the applicant of the decision. The Minister of Culture and Tourism, when he intends to provide the assistance sought, shall promptly notify agencies and organizations concerned with the assistance of his decision and let them deal with the business involving the assistance.

(4) The Minister of Culture and Tourism shall, when he intends to decide whether or not to provide the assistance to exclusive theaters under paragraph (3), make the decision by the Special Metropolitan City and each Metropolitan City and *Do* (hereinafter referred to as the "City/*Do*") according to the standards falling under any of the following sub-paragraphs:

1. Where the number of theaters by City/*Do* is not less than ten: within one-tenth of the number of theaters; and

2. Where the number of theaters by City/*Do* is less than ten: one theater.

Article 13 (Screen Quota for Korean Movies)

(1) A theater operator, who screens movies as prescribed in Article 28 of the Act, shall run Korean movies for not less than one fifth of the annual running days from January 1 to December 31 every year.

(2) Deleted. *(by Presidential Decree No. 19405, Mar. 23, 2006)*

(3) The mandatory running days of Korean movies under paragraph (1) shall not include the running days falling under each of the following subparagraphs:

1. The relevant running days, where a paid preview of a foreign movie is given on the mandatory running days of Korean movies;

2. The relevant running days, where a free preview of a foreign movie is given more than twice on the mandatory running days of Korean movies; and

3. The relevant running days, where it is discovered that a foreign film ~~has been~~ **illegally** run on the mandatory running days of Korean movies.

Article 13-2 (Report on Screening of Movies)

(1) Any report or alteration report on screening of movies under Article 28-2 of the Act shall be filed by not later than the date preceding such screening or alteration.

(2) The head of *Si/Gun/Gu* shall, upon receipt of a report or alteration report under paragraph (1), enter it in the ledger of reports, and then issue a certificate of report completion to the operator of movie theater.

(3) The operator of movie theater may, when he has lost a certificate of report completion or it has been worn out and become unusable, request the head of *Si/Gun/Gu* to reissue the certificate of report completion.

[This Article Newly Inserted by Presidential Decree No. 17616, May 27, 2002]

Article 14 (Projectionists)

(1) The technical qualification related to the projection under Article 30 of the Act refers to the technical qualification in the field of projection as prescribed in the National Technical Qualifications Act. *(Amended by Presidential Decree No. 19405, Mar. 23, 2006)*

(2) For the purpose of the proviso to Article 30 of the Act, the term “movie as prescribed by the Presidential Decree” means movies produced by using the films of 16 mm or smaller. *(Newly Inserted by Presidential Decree No. 17616, May 27, 2002)*

Article 15 (Business Suspension against Movie Theaters)

(1) The period of a disposition taken to suspend the business under Article 31 (1) of the Act shall be prescribed by the Ordinance of the Ministry of Culture and Tourism within a period falling under each of the following subparagraphs:

1. Where the number of days falling short of the annual mandatory running days of Korean movies is not more than 20 days: Not more than one day of business suspension per each day falling short of the mandatory running days; or

2. Where the number of days falling short of the annual mandatory running days of Korean movies is in excess of 20 days: Not more than two days of business suspension per each day falling short of the mandatory running days.

(2) through (4) Deleted. *(by Presidential Decree No. 19405, Mar. 23, 2006)*

(5) The period of a disposition taken to suspend the business for a theater under Article 31 (2) of the Act shall be as follows:

1. Where the running days are not more than 10 days after a theater has been subjected to a disposition taken to suspend its business: one day of business suspension per one running day;
2. Where the running days range from not less than 11 days to 20 days after a theater has been subjected to a disposition taken to suspend its business: two days of business suspension per one running day; and
3. Where the running days are not less than 21 days after a theater has been subjected to a disposition taken to prohibit it from screening movies or suspend its business: 3 days of business suspension per one running day.

Article 16 Deleted. *(by Presidential Decree No. 17616, May 27, 2002)*

Article 17 (Type of Act of Violation Subject to Penalty Surcharge and Amount of Penalty Surcharge)

- (1) The amount of penalty surcharge imposed by the type and extent of act of violation under Article 38 (2) of the Act is shown in the attached Table 3.
- (2) The Minister of Culture and Tourism or the head of *Si/Gun/Gu* (hereinafter referred to as the “disposition office”) may reduce or increase the amount of penalty surcharge within the scope of half of the penalty surcharge under paragraph (1), taking into consideration the ~~extent~~ and frequency of the act of violation: *Provided*, That the aggregate penalty surcharge may not exceed 20 million won even if it is increased. *(Amended by Presidential Decree No. 17616, May 27, 2002)*

Article 18 (Imposition and Payment of Penalty Surcharge)

- (1) The disposition office, when it intends to impose penalty charge under the provisions of Article 38 of the Act, shall explicitly indicate the type of the act of violation and the amount of penalty surcharge and notify in writing a person involved in the act of violation

of the payment of the penalty surcharge. *⟨Amended by Presidential Decree No. 17616, May 27, 2002⟩*

(2) The person, who has been notified of the payment of the penalty surcharge under paragraph (1), shall pay the penalty surcharge to a receipt agency designated by the disposition office within 20 days from the date he is notified: *Provided*, That where he is unable to pay the penalty surcharge within the period on the grounds of natural disasters and unavoidable reasons, he shall pay it within 7 days from the date such grounds cease to exist. *⟨Amended by Presidential Decree No. 17616, May 27, 2002⟩*

(3) The receipt agency, which has received the penalty surcharge under paragraph (2), shall issue a receipt of the penalty surcharge to the payer.

(4) The receipt agency, upon receiving the penalty charge under paragraph (2), shall notify without delay the disposition office of the fact. *⟨Amended by Presidential Decree No. 17616, May 27, 2002⟩*

(5) The penalty surcharge shall not be paid in installments.

Article 19 (Fees)

The amount of fees under Article 39 (1) of the Act is shown in the attached Table 4.

Article 20 (Procedures for Imposing and Collecting Fine for Negligence)

(1) Where the disposition office imposes a fine for negligence pursuant to the provisions of Article 41 and 42 (1) of the Act, and in accordance with the classifications falling under each of the following subparagraphs, he shall notify a person subjected to a disposition taken to impose the fine for negligence of the payment of the fine for negligence after investigating and confirming the act of violation, expressly indicating in writing the facts of violation and the amount of the fine for negligence, etc.: *⟨Amended by Presidential Decree No. 17616, May 27, 2002⟩*

1.The Minister of Culture and Tourism: Fine for negligence under the provisions of Article 41 (2) 1 and 2; and

2.The head of *Si/Gun/Gu*; Fine for negligence under the provisions of each subparagraph of Article 41 (1), and (2) 3 through 6.

(2) The disposition office, when he intends to impose the fine for negligence under paragraph (1), shall give a person subjected to a disposition taken to impose the fine for negligence an opportunity to state his opinion in writing or orally for a fixed period of not less than 10 days. In this case, he fails to state his opinion by the designated date, he shall be deemed to have no opinion. *(Amended by Presidential Decree No. 17616, May 27, 2002)*

(3) The disposition office shall decide on the amount of a fine for negligence taking into account the motive of the act of violation and its consequences. The standards for imposing the fine for negligence are shown in the attached Table 5. *(Amended by Presidential Decree No. 17616, May 27, 2002)*

(4) Procedures for collecting the fine for negligence shall be prescribed by the Ordinance of the Ministry of Culture and Tourism.

ADDENDA

(1) (Enforcement Date) This Decree shall enter into force on the date of its promulgation.

(2) (Transitional Measures concerning Disposition for Fine for Negligence) The application of the standards for taking a disposition to impose a fine for negligence against the acts of violation performed before the enforcement of this Decree shall be dealt with according the previous provisions.

ADDENDA *(Presidential Decree No. 16794, Apr. 22, 2000)*

(1) (Enforcement Date) This Decree shall enter into force on April 22, 2000.

(2) (Transitional Measures concerning Imposition of Fine for Negligence)

Any disposition taken by the Minister of Culture and Tourism to impose any fine for negligence at the time that this Decree enters into force shall be deemed any disposition taken by the head of *Si/Gun/Gu* under this Decree.

ADDENDA *(Presidential Decree No. 17616, May 27, 2002)*

(1) (Enforcement Date) This Decree shall enter into force on the date of its promulgation.

(2) (Transitional Measures concerning Report on Safety–Precaution Plan) In case where a report on the safety–precaution plan under Article 9 (1) of the Enforcement Decree of the Public Performance Act has been filed at the time of enforcement of this Decree, it shall be deemed to have filed a report on the safety–precaution plan under the amended provisions of Article 11–3.

(3) Omitted.

ADDENDA *(Presidential Decree No. 17816, Dec. 26, 2002)*

Article 1 (Enforcement Date)

This Decree shall enter into force on January 1, 2003.

Articles 2 through 17 Omitted.

ADDENDA *(Presidential Decree No. 18740, Mar. 18, 2005)*

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation.

Articles 2 through 5 Omitted.

ADDENDUM *(Presidential Decree No. 19405, Mar. 23, 2006)*

This Decree shall enter into force on July 1, 2006.